



CITY OF NEW BEDFORD
JONATHAN F. MITCHELL, MAYOR

August 18, 2016

Ms. Marilyn Wade, P.E., LSP
Brown and Caldwell
One Tech Drive Suite 310
Andover, MA 01810

Re: Comments on Draft Phase III
Remedial Action Plan
740 Belleville Avenue, New Bedford, MA

Dear Marilyn:

The City of New Bedford and its LSP Jim Okun, have reviewed the draft Phase III Remedial Action Plan and have several concerns regarding the protectiveness and sustainability of the selected remedies and their likelihood of achieving a *truly* Permanent Solution. Jim Okun's comments are attached to and therefore and incorporated with this correspondence.

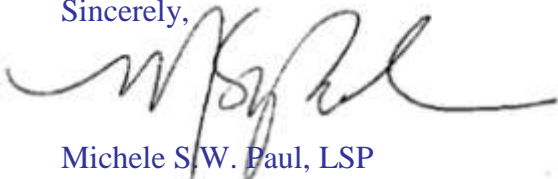
Given the persistence of PCBs in the environment, future risk carries an indefinite duration. The city's coastal location necessitates that we fully consider the potential effects of climate change and sea-level rise over the life of City projects. To leave the source material that resulted in the biggest Superfund cleanup in EPA history in this sensitive location directly abutting the Acushnet River constitutes an unacceptable risk. Although we understand that the remedy would likely include a cap and/or engineered barrier, we did not anticipate that this barrier would be the primary mechanism to prevent exposure over the entirety of the site. We request that you evaluate additional alternatives in area OU3 to include substantial source removal and /or relocation.

We are also concerned about the City's long-term liability regarding the Precix and Coyne Textile properties for which Downgradient Property Status has been filed. The remedy at Precix relies on maintaining existing uses and conditions on the property which may not be realistic.

The city believes that additional evaluation is warranted of response actions that will do for more to reduce the mass of OHM at the eastern site boundary abutting the Acushnet River, and to

eliminate exposure to people and the environment indefinitely. Should you have any questions or require additional information or clarification, please call me at 508-979-1487.

Sincerely,

A handwritten signature in dark ink, appearing to read 'M. Paul', with a stylized, flowing script.

Michele S.W. Paul, LSP
Director, Environmental Stewardship

CC: Gerard Martin, MassDEP
Dawn Stolfi, Esq., MassDEP
Evan Slavitt, Esq., AVX
Gary L. Gill-Austern, Esq.
Ginny Lombardo, EPA
Cynthia E. Catri, EPA
Dawn Stolfi, Esq., MassDEP
Mikaela McDermott, City Solicitor
Jim Okun, L.S.P., OTO

O'Reilly, Talbot & Okun

[A S S O C I A T E S]



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August 18, 2016
File No. 5185-01-01

Michele Paul
Director of Environmental Stewardship
City of New Bedford
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New Bedford, MA 02740

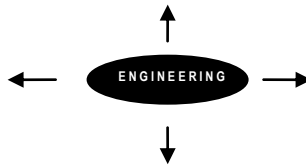
Subject: Initial Comments on Phase III

Dear Michele:

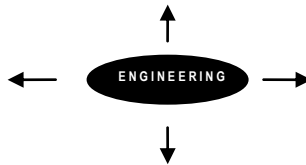
At your request I have conducted an initial review of the report titled "DRAFT Phase III Remedial Action Plan – RTN 4-601, Former Aerovox Facility, New Bedford, MA" dated August 2016, prepared for AVX Corporation by Brown and Caldwell. My comments on the report are listed below with general comments first, followed by the more detail oriented comments.

General Comments

1. The evaluation criteria used in the Phase III screening of alternatives placed too much emphasis on short-term cost related parameters and insufficient emphasis on longer-term environmental protection and safety parameters. Also, it was not clear how scores for the different alternatives were calculated.
2. The identification of remedial alternatives showed less creativity than might have been expected. Specifically there was little development or analysis of the on-site consolidation options under OU1 or OU3.
3. Little consideration was given to the long-term sustainability of the recommended in-situ entombment options selected for contaminated soils. Entombment in a location on a tidal river bank likely to directly experience severe storm events and rising sea levels seems very short sighted. Why didn't the risk characterization consider these hazards more directly?

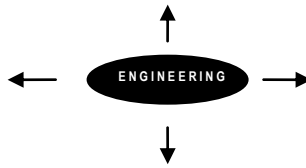


4. Regarding OU-2 beneath the Precix building, the selected remedy of monitored natural attenuation depends upon there being no changes to current use on the Precix property. Since there is no way for AVX to lock in this assumption with an AUL, this seems like an unrealistic remedial alternative. Additionally, Downgradient Property Status (DPS) has been filed for Precix (RTN 4-21348), as well as for Coyne Laundry (RTN 4-25563) located at 20 Howard Avenue – just north of the Precix property. These DPS filings indicate that the AVX site is the upgradient source responsible for the VOCs on their properties. The Phase III does not address these impacts that create ongoing liability for the City.
5. Regarding OU-3, given the magnitude of impact at the AVX site, the number and diversity of alternatives evaluated is insufficient. Specifically, the arguments on offer supporting the infeasibility of excavation with off-site removal are quite weak, and there was no analysis at all for the option of excavation with onsite consolidation in an upland location. The selected remedy is not appropriately protective of human health and/or the environment for the following main reasons:
 - PCBs, a key contaminant of concern, are inherently persistent in the environment and therefore more evaluation of the long-term sustainability of the remedy needs to be undertaken;
 - The particular environmental sensitivity of the river bank on a tidal river has not been adequately considered. The remedy has not been demonstrated to be sustainable relative to climate change and sea level rise. The City of New Bedford evaluates the potential impacts of climate change and sea level rise for all of its proposed infrastructure projects – especially brownfields projects that directly abut the waterfront.
 - In light of the enormous effort and resources dedicated to relocating and managing the contaminants historically released from this site and the resulting long-term loss of natural resources, a recommended remedial option that results in leaving over 15 tons of PCBs in place within feet of the river violates common sense. At the very least, the material should be moved to a more upland location where it could be completely encapsulated with impermeable material to ensure indefinite stability.



Detailed Comments

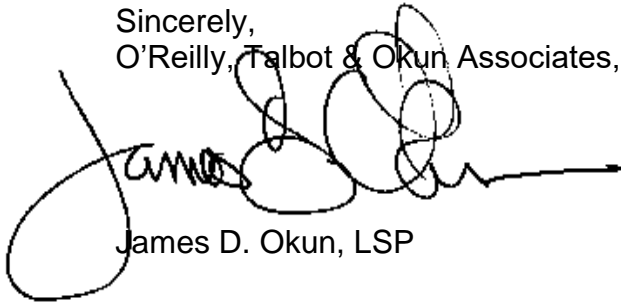
1. Section 3.1 “Operable Units” ends with a narrative list of what are later defined as the operable units for remediation. This list would be easier to understand if it were made into a numbered list.
2. Remedial action technologies are described reasonably well in section 4.1, but the transition into the analysis of remedial action alternatives in section 4.2 is quite abrupt. The reader would benefit from a few sentences explaining how the alternatives were constructed from the technologies.
3. Section 4.1.1.5 describes the “Soil Excavation and On-site Consolidation” technology describing it as being “retained for OU1 and OU3A because it is a technology that is readily available and reasonably likely to achieve a Permanent Solution”. However, this alternative was not discussed in section 4.3.3.1 “OU3A – Aerovox Property Soils” and seems to have been discarded without explanation. Is there an explanation for why this technology was not carried through the analysis?
4. Section 4.3.1 identifies and discusses remedial alternatives potentially applicable to the Titleist soils. OU1-1, OU1-2 and OU1-3 are scenarios that include varying amounts of soil excavation with either off-site disposal or on-site consolidation. It was not clear whether the detailed analysis of these alternatives included consideration of both off-site disposal and on-site consolidation or only one on these options. Can this be clarified?
5. For Alternatives OU3A-1 and OU3A-2 what portion of the 26,000 cubic yards excavated were estimated to contain PCB concentrations greater than 100 ppm?
6. Are there numerical tables available that support the calculations of soil volumes and estimated remediation costs?
7. In section 4.3.3 OU3, under the discussion of Alternative OU3B-1 there is a reference to Figure 4.3.3A-1 as showing the approximate configuration of the barrier wall. This reference was probably intended to be to Figure 4.3.3A-3.
8. In recommending the in-situ semi-isolation of PCBs and CVOCs along the bank of the Acushnet River, it does not seem that adequate consideration has been given to either the known flux of groundwater



through this area or the long-term sustainability of the containment structure. It is unlikely that any state or federal permitting authority would give consideration to a newly planned waste disposal site in such an environmentally volatile location. If there is an opportunity for other alternatives, such as the consolidation of high concentration wastes on-site, but further away from the river. If so such an alternative should be given more serious consideration. A central consolidation area could be designed with a low permeability bottom to limit the potential for groundwater infiltration, which would be a significant improvement over walling and capping the wastes where they now reside.

Please let me know if you have any question or would like to discuss any of these comments further.

Sincerely,
O'Reilly, Talbot & Okun Associates, Inc.



James D. Okun, LSP